

RECEIVED  
CENTRAL FAX CENTER

SEP 11 2006

**Allen, Dyer, Doppelt,  
Milbrath & Gilchrist, P.A.**

— INTELLECTUAL PROPERTY ATTORNEYS —

255 South Orange Avenue • Suite 1401 • Orlando, FL 32801  
Mail to: P.O. Box 3791 • Orlando, FL 32802-3791  
tel: 407-841-2330 • fax: 407-841-2343  
email: jwoodson@addmg.com

FACSIMILE COVER SHEET

TO: EXAMINER BRENT SWARTHOUT (U.S. PATENT AND TRADEMARK OFFICE)

CLIENT NUMBER: 58180

TELEPHONE: 571-272-2979

FAX: 571-273-8300

FROM: PAUL J. DITMYER, ESQ.

DATE: September 11, 2006

NUMBER OF PAGES (INCLUDING COVER SHEET): 34

COMMENTS/INSTRUCTIONS:

Re: U.S. Patent Application Serial No. 10/649,267

Please see attached Response to the Notice of Non-Compliant Appeal Brief mailed Aug. 30, 2006.

NOTE: The information in this facsimile transmission is intended only for the personal and confidential use of the designated recipient(s) named above. This message may be an attorney-client communication and as such is privileged.

If the reader of this message is not the intended recipient named above, you are notified that you have received this document in error, and any review, dissemination, distribution or copying of this message is strictly prohibited.

If you have received this document in error, please notify this office immediately via telephone, and return the original message to the above address by mail. Thank you.

IF YOU DO NOT RECEIVE ALL OF THE PAGES OR ENCOUNTER DIFFICULTIES IN TRANSMISSION, PLEASE CONTACT THE RECEPTIONIST IMMEDIATELY AT (407) 841-2330

BEST AVAILABLE COPY

SEP 11 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)
<b>FLICK</b>	) Examiner: <b>B. SWARTHOUT</b>
	)
Serial No. <b>10/649,267</b>	) Art Unit: <b>2636</b>
	)
Filing Date: <b>AUGUST 27, 2003</b>	) Attorney Docket No. <b>58180</b>
	)
For: <b>VEHICLE SECURITY DEVICE</b>	)
<b>INCLUDING PRE-WARN INDICATOR</b>	)
<b>AND RELATED METHODS</b>	)

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

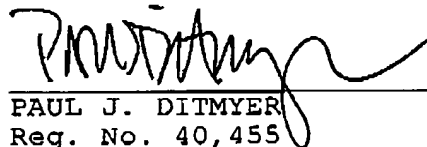
Mail Stop Appeal Brief  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant responds to the Notice of Non-Compliant Appeal Brief under 37 CFR 41.37, mailed August 30, 2006. Applicant submits a new Appeal Brief that substitutes for the previous Appeal Brief.

No fees are necessary because Applicant was given a one-month period of time to respond. If the Examiner has any questions, the undersigned attorney would appreciate a telephone call.

Respectfully submitted,



PAUL J. DITMYER  
Reg. No. 40,455  
Allen, Dyer, Doppelt, Milbrath  
& Gilchrist, P.A.  
255 S. Orange Avenue, Suite 1401  
Post Office Box 3791  
Orlando, Florida 32802  
Telephone: 407/841-2330  
Fax: 407/841-2343  
Attorney for Applicant(s)

In re Patent Application of:

**FLICK**

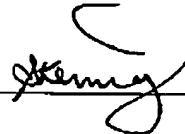
Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11<sup>th</sup> day of September, 2006.



---

RECEIVED  
CENTRAL FAX CENTER

SEP 11 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF APPEALS

In re Patent Application of:	)
FLICK	) Examiner: B. SWARTHOUT
	)
Serial No. 10/649,267	) Art Unit: 2636
	)
Filing Date: AUGUST 27, 2003	) Attorney Docket No. 58180
	)
For: VEHICLE SECURITY DEVICE	)
INCLUDING PRE-WARN INDICATOR	)
AND RELATED METHODS	)
_____	)

APPELLANT'S APPEAL BRIEF

MS Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is Appellant's Appeal Brief together with the requisite \$250.00 small entity fee for filing a brief. If any additional extension and/or fee is required, authorization is given to charge Deposit Account No. 01-0484.

(1) Real Party in Interest

The real party in interest is Omega Patents, L.L.C., assignee of the present application as recorded at reel 014488, frame 0383.

(2) Related Appeals and Interferences

At present there are no related appeals or interferences.

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: AUGUST 27, 2003

---

**(3) Status of the Claims**

Claims 1-41 are pending in the application, all of which being appealed herein.

**(4) Status of the Amendments**

All amendments have been entered and there are no further pending amendments. A copy of the claims involved in this appeal is attached hereto as Appendix A.

**(5) Summary of the Claimed Subject Matter**

In general, the invention is directed to a vehicle security device and method for a vehicle that includes a vehicle data communications bus extending throughout the vehicle and connected to a plurality of vehicle devices. For example, the vehicle devices may include the door lock motors, trunk release, and/or the engine starter. As an example, the security sensor may include one or more motion sensors and/or shock sensors. The data communications bus carries data and address information thereover. The claimed invention will be summarized while referring to FIGs. 1-7, for example, and the detailed description at page 8, line 18 through page 11, line 18 (paragraph Nos. [0026]-[0033]) and page 14, line 12 through page 16, line 8 (paragraph Nos. [0041]-[0045]).

Independent Claim 1 is directed to a pre-warn vehicle security device 20 for a vehicle including a data communications bus 22 extending throughout the vehicle and carrying data and address information thereover, an alert indicator 24, and an

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: AUGUST 27, 2003

---

alarm controller 25 interfacing with the data communications bus extending throughout the vehicle and carrying data and address information thereover and causing the alert indicator to generate an alarm indication responsive to a high security threat level. The pre-warn vehicle security device 20 includes a housing 28 and a multi-stage sensor 26 carried by the housing. The multi-stage sensor 26 is for sensing the high security threat level and communicating the sensed high security threat level to the alarm controller 25 via the data communications bus 22 extending throughout the vehicle and carrying data and address information thereover, and for sensing a low security threat level lower than the high security threat level. The pre-warn vehicle security device 20 further includes a pre-warn indicator 24 carried by the housing and connected to the multi-stage sensor 26 for generating a pre-warn indication responsive to the sensed low security threat level. Independent Claim 32 is a method counterpart to independent Claim 1. Reference is made to FIGs. 1-7 and the detailed description at page 8, line 18 through page 11, line 18 (paragraph Nos. [0026]-[0033]) and page 14, line 12 through page 16, line 8 (paragraph Nos. [0041]-[0045]).

Independent Claim 10 is similar to independent Claim 1 and further includes a pre-warn emulator 27 for generating a high security threat level signal on the data communications bus extending throughout the vehicle and carrying data and address information thereover responsive to the high security threat level sensed by the multi-stage sensor. The pre-warn indicator 24 recited in independent Claim 10 generates a pre-warn

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: AUGUST 27, 2003

---

indication having a shorter duration than the alarm indication. Reference is made to FIGs. 1-7 and the detailed description at page 8, line 18 through page 11, line 18 (paragraph Nos. [0026]-[0033]) and page 14, line 12 through page 16, line 8 (paragraph Nos. [0041]-[0045]).

Independent Claim 17 is similar to independent Claim 1, further reciting the alarm controller 25' for switching between armed and disarmed operational modes and causing a vehicle light 23' to generate a confirmation indication based thereon and an audible pre-warn indicator 31' carried by the housing and connected to the multi-stage sensor 26' for generating a pre-warn indication responsive to the sensed low security threat level, and for generating an audible confirmation indication responsive to the alarm controller switching between armed and disarmed operational modes. Reference is made to FIGs. 1-7, and the detailed description at page 8, line 18 through page 11, line 18 (paragraph Nos. [0026]-[0033]) and page 14, line 12 through page 16, line 8 (paragraph Nos. [0041]-[0045]).

Independent Claim 26 is similar to independent Claim 1, and further recites at least one vehicle device 23'' interfacing with the data communications bus 22'' extending throughout the vehicle and carrying data and address information thereover for generating a mode change signal on the data communications bus. An alarm circuit 70'' connected to the multi-stage sensor 26'' interfaces with the data communications bus 22'' extending throughout the vehicle and carrying data and address information thereover for switching between armed and disarmed operational

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: AUGUST 27, 2003

---

modes responsive to the mode change signal. An indicator 71'' is connected to the alarm circuit 70'', and when in the armed operational mode, the alarm circuit causes the indicator to generate a pre-warn indication responsive to the sensed low security threat level, and to generate an alarm indication responsive to the sensed high security threat level. Reference is made to FIGs. 1-7, for example, and the detailed description at page 8, line 18 through page 11, line 18 (paragraph Nos. [0026]-[0033]) and page 14, line 12 through page 16, line 8 (paragraph Nos. [0041]-[0045]).

Independent Claim 32 is directed to a method for upgrading a vehicle security system in a vehicle comprising a data communications bus 22 extending throughout the vehicle and carrying data and address information thereover, the vehicle security system comprising an alert indicator 24 and an alarm controller 25 for interfacing with the data communications bus extending throughout the vehicle and carrying data and address information thereover and causing the alert indicator to generate an alarm indication responsive to a high security threat level. The method includes installing a pre-warn vehicle security device 20 in the vehicle comprising a housing 28, a multi-stage sensor 26 carried by the housing for sensing the high security threat level and communicating the sensed high security threat level to the alarm controller 25 via the data communications bus 22 extending throughout the vehicle and carrying data and address information thereover, and for sensing a low security threat level lower than the high security threat level, and a pre-warn



In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

indicator 24 carried by the housing 28 and connected to the multi-stage sensor 26 for generating a pre-warn indication responsive to the sensed low security threat level. Reference is made to FIGs. 1-7, for example, and the detailed description at page 8, line 18 through page 11, line 18 (paragraph Nos. [0026]-[0033]) and page 14, line 12 through page 16, line 8 (paragraph Nos. [0041]-[0045]).

**(6) Grounds of Rejection to be Reviewed On Appeal**

Claims 1, 4-6, 9, 17, 20-22, 25-27, 31, 32, 35-37 and 39-41 stand rejected under 35 U.S.C. §103 over Hwang (U.S. Patent No. 5,216,407) in view of Zwern (U.S. Patent No. 5,245,694) and either Suman et al. (U.S. Patent No. 5,469,298), Nykerk (U.S. Patent No. 5,315,285) or Boreham et al. (U.S. Patent No. 6,005,478).

Claims 2, 10, 12, 13, 16, 18, 28 and 33 stand rejected under 35 U.S.C. §103 over Hwang (U.S. Patent No. 5,216,407) in view of Zwern (U.S. Patent No. 5,245,694) and either Suman et al. (U.S. Patent No. 5,469,298), Nykerk (U.S. Patent No. 5,315,285) or Boreham et al. (U.S. Patent No. 6,005,478), and further in view of Hwang (U.S. Patent No. 5,084,697).

Claims 3, 8, 19, 24, 29, 30 and 34 stand rejected under 35 U.S.C. §103 over Hwang (U.S. Patent No. 5,216,407) in view of Zwern (U.S. Patent No. 5,245,694) and either Suman et al. (U.S. Patent No. 5,469,298), Nykerk (U.S. Patent No. 5,315,285) or Boreham et al. (U.S. Patent No. 6,005,478), and further in view of Issa et al. (U.S. Patent No. 5,990,786).

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

Claims 11 and 15 stand rejected under 35 U.S.C. §103 over Hwang (U.S. Patent No. 5,216,407) in view of Zwern (U.S. Patent No. 5,245,694) and either Suman et al. (U.S. Patent No. 5,469,298), Nykerk (U.S. Patent No. 5,315,285) or Boreham et al. (U.S. Patent No. 6,005,478), and further in view of Hwang (U.S. Patent No. 5,084,697) and Issa et al. (U.S. Patent No. 5,990,786).

**(7) Argument**

A. Claims 1, 4-6, 9, 17, 20-22, 25-27, 31, 32, 35-37 and 39-41 are patentable under 35 U.S.C. §103 over Hwang in view of Zwern and either Suman et al., Nykerk or Boreham et al.

The Examiner rejected independent Claims 1, 17, 26 and 32 based upon Hwang '407 in view of Zwern and either Suman et al., Nykerk or Boreham et al.

Hwang '407 is directed to a pre-alarm warning system for use with a vehicle anti-theft alarm. As recited in each of the independent Claims 1 17 and 32, Hwang '407 fails to teach an alarm controller interfacing with a data communications bus extending throughout the vehicle and carrying data and address information thereover, or a multi-stage sensor communicating a sensed high security threat level to the alarm controller via the data communications bus. As recited in independent Claim 17, Hwang '407 fails to teach an audible pre-warn indicator for generating an audible confirmation indication responsive to the alarm controller switching between armed and disarmed operational modes. As recited in independent Claim 26, Hwang '407 fails to

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

teach an alarm circuit connected to the multi-stage sensor interfacing with a data communications bus extending throughout the vehicle and carrying data and address information thereover for switching between armed and disarmed operational modes responsive to a mode change signal.

The Examiner correctly notes that the hardwire communication line between the one shot timer 102 and the main control alarm circuit 103 is not a data communications bus. The Examiner relies upon the Zwern reference for the teaching of a housing. Regarding Claim 26, the exclusively hardwire connections in Hwang '407 linking the sensor b, timer circuit 102, alarm controller 103, and siren circuit 105 teach away from an alarm circuit interfacing with a data communications bus for switching between armed and disarmed operational modes responsive to a mode change signal.

The Examiner relies on the Suman et al. patent as allegedly teaching the use of a data communications bus 111 extending throughout the vehicle, as the data bus communicates between a plural of vehicle systems 101-110 and a controller 77. However, the data bus connects to the inputs 101-110 and microcontroller 77 (via interface circuit 100 and wiring harness 73a) on a driver circuit 75, the driver circuit is confined within a housing 63 attached to the vehicle roof 61 (See FIG. 6A, 6B; Col. 4, lines 21-23 and 52-54). Thus, the data bus does not extend throughout the vehicle and carry data and address information, as recited in the claimed invention.

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

Also in the Final Action, the Examiner similarly relies upon Nykerk as also allegedly disclosing a data communications bus extending throughout the vehicle, in teaching a vehicle processor and alarm system communicating over the data bus 64. However, the data bus 64 of Nykerk is actually disclosed within a self-contained alarm system 55, containing the vehicle processor 60 (See FIG. 4; Col. 9, lines 59-63). Again, the data bus 64 does not extend throughout the vehicle and carry data and address information. Thus, Suman et al. and Nykerk specifically teach away from the use of a data communications bus extending throughout the vehicle and carrying data and address information.

Additionally, on pages 3 and 6 of the Final Office Action, the Examiner relies upon the Boreham et al. reference as allegedly teaching the use of addressing over a data bus to control the volume of the siren, with the bus being throughout the vehicle. However, the Examiner has mischaracterized the actual teachings of the Boreham et al. reference as there is no discussion of a data bus extending throughout the vehicle (see column 6, lines 20-22). Indeed, nothing in the system of Boreham et al. specifically requires the use of a data bus throughout the vehicle.

Accordingly, for this reason alone, the Examiner's hypothetical combination cannot meet the features of the claimed invention, and the rejections based thereon are improper.

Furthermore, the Examiner asserts on page 3 of the Final Office Action that it would have been obvious to use a bus

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

as a data communication line, "since a bus is a well known type of communication line in vehicle security communication systems."

As discussed in the background section of the present application, the majority of conventional vehicle security systems need to be directly connected by wires to individual vehicle devices, such as the vehicle horn or door switches of the vehicle. In other words, a conventional vehicle security system is hardwired to various vehicle components, typically by splicing into vehicle wiring harnesses or via interposing T-harnesses and connectors. Implementing multiplexing concepts in vehicles in a cost-effective and reliable manner may not be easy. Successful implementation, for example, may require the development of low or error-free communications in what can be harsh vehicle environments. With multiplexing technology, the various electronic modules or devices may be linked by a single signal wire in a bus also containing a power wire, and one or more ground wires. Digital messages are communicated to all modules over the data communications bus. Each message may have one or more addresses associated with it so that the devices can recognize which messages to ignore and which messages to respond to or read.

The Examiner then asserts on page 3 of the Final Office Action that it would have been obvious to connect a prealarm warning device as disclosed in Hwang over a data bus as in Nykerk or Suman et al., and to further use addressing over such data bus as in Boreham et al. to meet the features of the claimed invention. As submitted in Appellant's prior Response, there is

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

no motivation to selectively discard the hardwire connections of Hwang and replace them with a confined data bus as suggested by Nykerk or Suman et al. In particular, the multiple-parallel line structure of the Suman et al. device is at most structurally equivalent to the hardwire connection structure of Hwang, and thus one of skill in the art would be discouraged from making the suggested Hwang/Suman et al. combination. Moreover, as discussed above, Nykerk expressly teaches a confined data bus within an alarm, and thus one of ordinary skill in the art would be taught away from using such a confined data bus to replace the Hwang hardwire connections, particularly those connections external to the alarm.

Accordingly, Appellant recognizes that by selectively assembling disjoint bits and pieces of the prior art -- in this instance with two different three-way combinations -- the Examiner can attempt to piece together the recited elements of the claimed invention. The primary reference, Hwang, discloses hardwired connections. Hwang is then selectively modified to throw out the hardwired connections and replace those with a confined data bus based upon Suman et al. or Nykerk, despite the fact that each data bus would fail to encompass such hardwire connections. One of ordinary skill in the art is still not yet done, now the artisan must modify the modified multi-wire confined data bus of Hwang, Suman et al. and Nykerk to include addressing based upon the teachings of Boreham et al.

As the Examiner is aware, to establish a prima facie case of obviousness, three basic criteria must be met. First,

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

there must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim features. The initial burden is on the Examiner to provide some suggestion of the desirability of doing what the Applicants have done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the reference must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. Both the suggestion to make the claimed combination and the reasonable expectation of success must be founded in the prior art and not in Applicant's disclosure.

There is simply no teaching or suggestion in the cited references to provide the combination of features as claimed. It is respectfully submitted that the Examiner's motivation for the selective combination of references impermissibly comes from Appellant's own specification, rather than from some proper teaching in the prior art. Accordingly, for at least the reasons given above, Appellant maintains that the cited references do not disclose or fairly suggest the invention as set forth in independent Claims 1, 17 and 32. Furthermore, no proper modification of the teachings of these references could result in the invention as claimed. Thus, the rejection under 35 U.S.C.

In re Patent Application of:

**FLICK**

Serial No. **10/649,267**

Filing Date: **AUGUST 27, 2003**

---

§103(a) should be withdrawn.

The respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

B. Claims 2, 10, 12, 13, 16, 18, 28 and 33 are patentable under 35 U.S.C. §103 over Hwang '407 in view of Zwern and either Suman et al., Nykerk or Boreham et al., and further in view of Hwang '697

The Examiner rejected independent Claim 10 based upon Hwang '407 in view of Zwern and either Suman, Nykerk, or Boreham, and further in view of Hwang '697.

The arguments addressing the common recitations of independent Claim 10 with independent Claim 1 are included above. The Hwang '407 patent is also described above. As recited in amended independent Claim 10, Hwang '407 fails to teach a pre-warn emulator for generating a high security threat level signal on the data communications bus. To the contrary, the exclusively hardware connections in Hwang '407 linking the sensor b, timer circuit 102, alarm controller 103, and siren circuit 105 teach away from a pre-warn emulator for generating a high security threat level signal on the data communications bus.

The Examiner looks to the Hwang '697 patent to provide a pre-warn indicator connected to the multi-stage sensor for generating a pre-warn indication having a shorter duration than the alarm indication. The Hwang '697 patent discloses a warning device 5 hardware connected to a pre-warning signal amplifier circuit 3 which is in-turn hardware connected to a detector 1. Although the warning device 5 outputs a short pre-warning signal



In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: AUGUST 27, 2003

---

upon a hardwire signal from detector 1, it is not connected to a multi-stage sensor as recited in amended independent Claim 10, as detector 1 does not communicate a sensed high security threat level to an alarm controller via a data communications bus extending throughout the vehicle and carrying data and address information thereover.

The Examiner correctly notes that the hardwire communication line between the one shot timer 102 and the main control alarm circuit 103 is not a data communications bus. As argued above with regard to amended independent Claim 1, there is no proper motivation to selectively combine the Suman, Nykerk, or Boreham patents with the Hwang '407 patent, and the combination still fails to meet the features of the claimed invention.

Accordingly, it is submitted that amended independent Claim 10 is patentable over the prior art. Its respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

C. Claims 3, 8, 19, 24, 29, 30 and 34 are patentable under 35 U.S.C. §103 over Hwang in view of Zwern and either Suman et al., Nykerk or Boreham et al., and further in view of Issa et al.

The Examiner relied upon the Issa et al. patent for the teaching of a lower volume prewarn alert and a two-zone shock sensor. Again, without discussing the details of the Issa et al. reference or the propriety of the Examiner's reliance upon yet another piece of another reference, it is sufficient to note that

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: AUGUST 27, 2003

---

the Issa et al. reference also does not teach the use of a vehicle security device for a vehicle that includes a vehicle data communications bus extending throughout the vehicle and carrying data and address information thereover, as claimed. Accordingly, for at least the reasons set forth above with respect to the independent claims, Appellant maintains that the hypothetical combination of cited references does not disclose or fairly suggest the invention as set forth in dependent Claims 3, 8, 19, 24, 29, 30 and 34.

D. Claims 11 and 15 are patentable under 35 U.S.C. §103 over Hwang in view of Zwern and either Suman et al., Nykerk or Boreham et al., and further in view of Hwang and Issa et al.

The arguments addressing independent Claim 10 are included above. The Hwang '407 patent is also described above. The Examiner relied upon the Issa et al. patent for the teaching of a lower volume prewarn alert and a two-zone shock sensor. Again, without discussing the details of the Issa et al. reference or the propriety of the Examiner's reliance upon yet another piece of another reference, it is sufficient to note that the Issa et al. reference also does not teach the use of a vehicle security device for a vehicle that includes a vehicle data communications bus extending throughout the vehicle and carrying data and address information thereover, as claimed. Accordingly, for at least the reasons set forth above with respect to the independent claims, Appellant maintains that the hypothetical combination of cited references does not disclose or

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: AUGUST 27, 2003


---

fairly suggest the invention as set forth in dependent Claims 11 and 15.

**CONCLUSIONS**

In view of the foregoing arguments, it is submitted that all of the claims are patentable over the prior art. Accordingly, the Board of Patent Appeals and Interferences is respectfully requested to reverse the earlier unfavorable decision by the Examiner.

Respectfully submitted,

  
\_\_\_\_\_  
PAUL J. DITMYER  
Reg. No. 40,455  
Allen, Dyer, Doppelt, Milbrath  
& Gilchrist, P.A.  
255 S. Orange Avenue, Suite 1401  
Post Office Box 3791  
Orlando, Florida 32802  
Telephone: 407/841-2330  
Fax: 407/841-2343  
Attorney for Appellant

In re Patent Application of:

**FLICK**

Serial No. **10/649,267**

Filing Date: **AUGUST 27, 2003**

---

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 11<sup>th</sup> day of September, 2006.



In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: AUGUST 27, 2003

---

**APPENDIX A - CLAIMS ON APPEAL**  
**FOR U.S. PATENT APPLICATION SERIAL NO. 10/649,267**

1. A pre-warn vehicle security device for a vehicle comprising a data communications bus extending throughout the vehicle and carrying data and address information thereover, an alert indicator, and an alarm controller interfacing with the data communications bus extending throughout the vehicle and carrying data and address information thereover and causing the alert indicator to generate an alarm indication responsive to a high security threat level, the pre-warn vehicle security device comprising:

a housing;

a multi-stage sensor carried by said housing for sensing the high security threat level and communicating the sensed high security threat level to the alarm controller via the data communications bus extending throughout the vehicle and carrying data and address information thereover, and for sensing a low security threat level lower than the high security threat level; and

a pre-warn indicator carried by said housing and connected to said multi-stage sensor for generating a pre-warn indication responsive to the sensed low security threat level.

2. The pre-warn vehicle security device of Claim 1 wherein the pre-warn indication has a shorter duration than the alarm indication.

In re Patent Application of:

**FLICK**

Serial No. **10/649,267**

Filing Date: **AUGUST 27, 2003**

---

3. The pre-warn vehicle security device of Claim 1 wherein the pre-warn and alarm indications are audible, and wherein the pre-warn indication has a lesser volume than the alarm indication.

4. The pre-warn vehicle security device of Claim 1 further comprising a pre-warn emulator for generating a high security threat level signal on the data communications bus extending throughout the vehicle and carrying data and address information thereover responsive to the sensed high security threat level.

5. The pre-warn vehicle security device of Claim 4 wherein the alarm controller generates a confirmation signal on the data communications bus extending throughout the vehicle and carrying data and address information thereover upon switching between armed and disarmed operational modes, and wherein said pre-warn emulator causes said pre-warn indicator to provide a confirmation indication responsive to the confirmation signal.

6. The pre-warn vehicle security device of Claim 4 wherein said pre-warn emulator switches between armed and disarmed operational modes based upon a mode change signal on the data communications bus extending throughout the vehicle and carrying data and address information thereover, and wherein said pre-warn emulator causes said pre-warn indicator to provide a

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

confirmation indication upon switching between armed and disarmed operational modes.

7. The pre-warn vehicle security device of Claim 4 further comprising a signal enabler for enabling said pre-warn emulator to operate using a desired set of signals for communicating with the alarm controller via the data communications bus extending throughout the vehicle and carrying data and address information thereover from a plurality of sets of signals for different alarm controllers.

8. The pre-warn vehicle security device of Claim 1 wherein said multi-stage sensor comprises a multi-stage shock sensor.

9. The pre-warn vehicle security device of Claim 1 wherein said pre-warn indicator comprises a siren.

10. A pre-warn vehicle security device for a vehicle comprising a data communications bus extending throughout the vehicle and carrying data and address information thereover, an alert indicator, and an alarm controller interfacing with the data communications bus extending throughout the vehicle and carrying data and address information thereover and causing the alert indicator to generate an alarm indication responsive to a high security threat level, the pre-warn vehicle security device comprising:

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

a housing;

a multi-stage sensor carried by said housing for sensing the high security threat level and communicating the sensed high security threat level to the alarm controller via the data communications bus extending throughout the vehicle and carrying data and address information thereover, and for sensing a low security threat level lower than the high security threat level;

a pre-warn emulator for generating a high security threat level signal on the data communications bus extending throughout the vehicle and carrying data and address information thereover responsive to the sensed high security threat level; and

an pre-warn indicator carried by said housing and connected to said multi-stage sensor for generating a pre-warn indication responsive to the sensed low security threat level, the pre-warn indication having a shorter duration than the alarm indication.

11. The pre-warn vehicle security device of Claim 10 wherein the pre-warn and alarm indications are audible, and wherein the pre-warn indication has a lesser volume than the alarm indication.

12. The pre-warn vehicle security device of Claim 10 wherein the alarm controller generates a confirmation signal on the data communications bus extending throughout the vehicle and



In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: AUGUST 27, 2003

---

carrying data and address information thereover upon switching between armed and disarmed operational modes, and wherein said pre-warn emulator causes said pre-warn indicator to provide a confirmation indication responsive to the confirmation signal.

13. The pre-warn vehicle security device of Claim 10 wherein said pre-warn emulator switches between armed and disarmed operational modes based upon a mode change signal on the data communications bus extending throughout the vehicle and carrying data and address information thereover, and wherein said pre-warn emulator causes said pre-warn indicator to provide a confirmation upon switching between armed and disarmed operational modes.

14. The pre-warn vehicle security device of Claim 10 further comprising a signal enabler for enabling said pre-warn emulator to operate using a desired set of signals for communicating with the alarm controller via the data communications bus extending throughout the vehicle and carrying data and address information thereover from a plurality of sets of signals for different alarm controllers.

15. The pre-warn vehicle security device of Claim 10 wherein said multi stage sensor comprises a multi-stage shock sensor.

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

16. The pre-warn vehicle security device of Claim 10 wherein said pre-warn indicator comprises a siren.

17. A pre-warn vehicle security device for a vehicle comprising a data communications bus extending throughout the vehicle and carrying data and address information thereover, an alert indicator, a vehicle light, and an alarm controller interfacing with the data communications bus extending throughout the vehicle and carrying data and address information thereover and causing the alert indicator to generate an alarm indication responsive to a high security threat level, the alarm controller also for switching between armed and disarmed operational modes and causing the vehicle light to generate a confirmation indication based thereon, the pre-warn vehicle security device comprising:

a housing;

a multi-stage sensor carried by said housing for sensing the high security threat level and communicating the sensed high security threat level to the alarm controller via the data communications bus extending throughout the vehicle and carrying data and address information thereover, and for sensing a low security threat level lower than the high security threat level; and

an audible pre-warn indicator carried by said housing and connected to said multi-stage sensor for generating a pre-warn indication responsive to the sensed low security threat level, and for generating an audible confirmation indication

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

responsive to the alarm controller switching between armed and disarmed operational modes.

18. The pre-warn vehicle security device of Claim 17 wherein the pre-warn indication has a shorter duration than the alarm indication.

19. The pre-warn vehicle security device of Claim 17 wherein the alarm indication is audible, and wherein the pre-warn indication has a lesser volume than the alarm indication.

20. The pre-warn vehicle security device of Claim 17 further comprising a pre-warn emulator for generating a high security threat level signal on the data communications bus extending throughout the vehicle and carrying data and address information thereover responsive to the sensed high security threat level.

21. The pre-warn vehicle security device of Claim 20 wherein the alarm controller generates a confirmation signal on the data communications bus extending throughout the vehicle and carrying data and address information thereover upon switching between armed and disarmed operational modes, and wherein said pre-warn emulator causes said pre-warn indicator to provide the confirmation indication responsive to the confirmation signal.

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

22. The pre-warn vehicle security device of Claim 20 wherein said pre-warn emulator switches between armed and disarmed operational modes based upon a mode change signal on the data communications bus extending throughout the vehicle and carrying data and address information thereover, and wherein said pre-warn emulator causes said pre-warn indicator to provide a confirmation upon switching between armed and disarmed operational modes.

23. The pre-warn vehicle security device of Claim 20 further comprising a signal enabler for enabling said pre-warn emulator to operate using a desired set of signals for communicating with the alarm controller via the data communications bus extending throughout the vehicle and carrying data and address information thereover from a plurality of sets of signals for different alarm controllers.

24. The pre-warn vehicle security device of Claim 17 wherein said multi-stage sensor comprises a multi-stage shock sensor.

25. The pre-warn vehicle security device of Claim 17 wherein said audible pre-warn indicator comprises a siren.

26. A pre-warn vehicle security device for a vehicle comprising a data communications bus extending throughout the vehicle and carrying data and address information thereover and

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

at least one vehicle device interfacing with the data communications bus extending throughout the vehicle and carrying data and address information thereover and generating a mode change signal on the data communications bus extending throughout the vehicle and carrying data and address information thereover, the pre-warn vehicle security device comprising:

a housing;

a multi-stage sensor carried by said housing for sensing the high security threat level, and for sensing a low security threat level lower than the high security threat level;

an alarm circuit connected to said multi-stage sensor and interfacing with the data communications bus extending throughout the vehicle and carrying data and address information thereover for switching between armed and disarmed operational modes responsive to the mode change signal; and

an indicator connected to said alarm circuit;

said alarm circuit when in the armed operational mode causing said indicator to generate a pre-warn indication responsive to the sensed low security threat level, and to generate an alarm indication responsive to the sensed high security threat level.

27. The pre-warn vehicle security device of Claim 26 wherein said alarm circuit further causes said indicator to generate a confirmation indication upon switching between armed and disarmed operational modes.

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

28. The pre-warn vehicle security device of Claim 26 wherein the pre-warn indication has a shorter duration than the alarm indication.

29. The pre-warn vehicle security device of Claim 26 wherein the pre-warn and alarm indications are audible, and wherein the pre-warn indication has a lesser volume than the alarm indication.

30. The pre-warn vehicle security device of Claim 26 wherein said multi-stage sensor comprises a multi-stage shock sensor.

31. The pre-warn vehicle security device of Claim 26 wherein said indicator comprises a siren.

32. A method for upgrading a vehicle security system in a vehicle comprising a data communications bus extending throughout the vehicle and carrying data and address information thereover, the vehicle security system comprising an alert indicator and an alarm controller for interfacing with the data communications bus extending throughout the vehicle and carrying data and address information thereover and causing the alert indicator to generate an alarm indication responsive to a high security threat level, the method comprising:

installing a pre-warn vehicle security device in the vehicle comprising

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

a housing,

a multi-stage sensor carried by the housing for sensing the high security threat level and communicating the sensed high security threat level to the alarm controller via the data communications bus extending throughout the vehicle and carrying data and address information thereover, and for sensing a low security threat level lower than the high security threat level, and

a pre-warn indicator carried by the housing and connected to the multi-stage sensor for generating a pre-warn indication responsive to the sensed low security threat level.

33. The method of Claim 32 wherein the pre-warn indication has a shorter duration than the alarm indication.

34. The method of Claim 32 wherein the pre-warn and alarm indications are audible, and wherein the pre-warn indication has a lesser volume than the alarm indication.

35. The method of Claim 32 wherein the pre-warn vehicle security device further comprises a pre-warn emulator for generating a high security threat level signal on the data communications bus extending throughout the vehicle and carrying data and address information thereover responsive to the sensed high security threat level.

RECEIVED  
CENTRAL FAX CENTER

SEP 11 2006

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

36. The method of Claim 35 wherein the alarm controller generates a confirmation signal on the data communications bus extending throughout the vehicle and carrying data and address information thereover upon switching between armed and disarmed operational modes, and wherein the pre-warn emulator causes the pre-warn indicator to provide a confirmation indication responsive to the confirmation signal.

37. The method of Claim 35 wherein the pre-warn emulator switches between armed and disarmed operational modes based upon a mode change signal on the data communications bus extending throughout the vehicle and carrying data and address information thereover, and wherein the pre-warn emulator causes the pre-warn indicator to provide a confirmation indication upon switching between armed and disarmed operational modes.

38. The method of Claim 35 wherein the pre-warn vehicle security device further comprises a signal enabler for enabling the pre-warn emulator to operate using a desired set of signals for communicating with the alarm controller via the data communications bus extending throughout the vehicle and carrying data and address information thereover from a plurality of sets of signals for different alarm controllers.



In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: **AUGUST 27, 2003**

---

39. The method of Claim 32 wherein the pre-warn vehicle security sensor comprises at least one of a motion sensor and a shock sensor.

40. The method of Claim 32 wherein the pre-warn indicator comprises a siren.

41. The pre-warn vehicle security device of Claim 26 wherein said indicator is carried by said housing.

In re Patent Application of:

**FLICK**

Serial No. 10/649,267

Filing Date: AUGUST 27, 2003

APPENDIX B - EVIDENCE APPENDIX  
PURSUANT TO 37 C.F.R. § 41.37(c)(1)(ix)

None.

APPENDIX C - RELATED PROCEEDINGS APPENDIX  
PURSUANT TO 37 C.F.R. § 41.37(c)(1)(x)

None.